



**MINUTES OF MEETING OF THE CITY COUNCIL
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, September 11, 2001, 8:00 p.m.**

MEETING

In respect to the devastating events that occurred, Mayor Cooper called for a moment of silence. She urged the community to consider and respect its diversity.

The Regular Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Rodriquez.

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Hilson,
Rodriquez, Ward, Dowling, Henson
MAYOR Cooper
Absent: None

PRESENTATION: Business Recognition Award

Mayor Cooper presented the City of Hayward Business Recognition Award for September, 2001 to Cell Genesys, Inc. There are approximately 1250 employees at the new manufacturing offices and quality control facilities. Their mission is to develop and commercialize therapeutic products for cancer and other serious diseases based on gene therapy technologies. Their focus is on cell-based cancer treatment vaccine products. Accepting the Award were Matthew J. Pfeiffer and Jennifer Williams.

PUBLIC COMMENTS

Bishop Macklin announced that there would be a one-hour service on Thursday evening at Glad Tidings Church to mourn the victims of the terrorist attack.

Francisco Abrantes described his experience with settling disputes regarding a vehicle smog check.

Council Member Jimenez commented on the Daily Review articles about his Statement of Economic Interest and his financial status.

Karen Holtzmeister, Daily Review reporter, showed several pages from Council Member Jimenez's statement.

Robert Lopez discussed the Council work session topic regarding compensation. He noted that the job is part-time.

CONSENT

1. Approval of Minutes of the Meeting of July 24, 2001

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to approve the Minutes of the Meeting of the City Council of July 24, 2001.

2. Resignation of Rogelio Fernandez from Human Services Commission and Richard McKelvey from the Downtown Hayward Business Improvement Area Advisory Board

Staff report submitted by City Clerk Reyes, dated September 11, 2001, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 01-126, "Resolution Accepting Written Resignation of Rogelio Fernandez as a Member of the Human Services Commission of the City of Hayward and Richard L. McKelvey from the Downtown Hayward Business Improvement Advisory Board"

3. Approval of the First Amendment of the Lease between the City of Hayward and Trajen, Inc., and Assignment of the Ground Lease Between the City and Trajen, Inc., to Hayward FBO, LLC

Staff report submitted by Airport Manager Shiner, dated September 11, 2001, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to introduce and adopt the following:

Resolution 01-127, "Resolution Authorizing the City Manager to Execute the Assignment of the Commercial Aviation Site Lease to Hayward FBO, LLC"

Resolution 01-128, "Authorizing the City Manager to Execute the First Amendment to the Lease with Trajen, Inc. at the Hayward Executive Airport"

4. Clawiter Road Corridor Improvements: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Bauman, dated September 11, 2001, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to introduce and adopt the following:



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Resolution 01-129, "Resolution Approving Plans and Specifications for the Clawiter Road Corridor Improvements Project, Project No. 5196, and Call for Bids"

5. Hayward Executive Airport Striping and Marking: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Bauman, dated September 11, 2001, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to introduce and adopt the following:

Resolution 01-130, "Resolution Approving Plans and Specifications for the Hayward Executive Airport Striping and Marking Project, Project No. 6824, and Call for Bids"

6. Authorization for the City Manager to Execute a Professional Services Agreement for the Design of the North Walpert Reservoir Intertie and Seismic Upgrade

Staff report submitted by Deputy Director of Public Works/Utilities Ameri, dated September 11, 2001, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 01-131, "Resolution Authorizing the City Manager to Execute an Agreement Between the City of Hayward and Hydrosience Engineers Inc., for Professional Design Services for the North Walpert Reservoir"

7. Authorization for the City Manager to Execute a Professional Services Agreement with Brown and Caldwell for a Preliminary Facilities Planning Study for the Water Pollution Control Facility

Staff report submitted by Deputy Director of Public Works/Utilities Ameri, dated September 11, 2001, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 01-132, "Resolution Authorizing the City Manager to Execute an Agreement Between the City of Hayward and Brown and Caldwell for Professional Services to Prepare a Preliminary Facilities Planning Study for the Water Pollution Control Facility Improvements"

8. USA 01-3 – Kathryn M. Harris (Applicant/Owner) – Authorize the City Manager to Execute a Utility Service Agreement for Water Service at 26165 Clover Road

Staff report submitted by Development Review Services Engineer Garcia, dated September 11, 2001, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 01-133, "Resolution Authorizing the City Manager to Apply to LAFCO for Approval of a Utility Services Agreement (USA 01-3) to Provide Sewer Services to Property Located at 26165 Clover Road; and Further Authorizing the City Manager to Execute such Agreement, as well as an Agreement for Completion of Public Street Improvements"

LEGISLATIVE BUSINESS

9. Review and Comment on Draft Housing Element Policies and Strategies

Staff report submitted by Neighborhood and Economic Development Manager Bauman, dated September 11, 2001, was filed.

Neighborhood and Economic Development Manager Bauman presented the staff report. She noted that a joint session with the Planning Commission and the City Council was held on July 24th to review and comment on the draft housing element. This meeting provides public opportunity to review and comment.

City Manager Armas commented that State Law requires the City to provide a Housing Element for their review. The deadline is December 31, 2001. Another joint work session will be held on October 16th.

Council Member Ward noted that he had been contacted by at least two groups who were concerned about affordable housing in Hayward. Neighborhood and Economic Development



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Manager Bauman stated that over the past 10 to 15 years the City has financed more than 500 units of affordable housing. Also, in terms of home ownership, 40 first-time homebuyers have been assisted to become homeowners and the moderate-income program has assisted more than 150 homebuyers to become buyers in Hayward. The Council also reviewed development activities in and around the Cannery Area and a provision was established that fifteen percent be in the affordable category.

Both Council Member Henson and Ms. Bauman noted that the City has partnered with various non-profit housing agencies, including CRIL to create 21 units for disabled. They have partnered with other cities to provide transitional housing for survivors of domestic violence and with the Emergency Shelter Program.

Council Member Henson inquired on potential housing at the university and commented on a letter suggesting a delay of submittal.

City Manager Armas commented that the university has its own master plan. The City has this opportunity to address other interests within the City. The December 31 deadline was noted.

Council Member Hilson asked about the amount of acreage cited in the report. Most of these are small parcels that, in general, make it much more difficult to build significant projects. He asked whether a large percentage is in the unincorporated area and whether our Housing Element would have influence over us.

City Manager Armas commented that, as it relates to the Mt. Eden area, Council is supportive of evaluating the value of annexation. The County is receptive of discussing annexation since Mt. Eden is completely surrounded by the City of Hayward. He added that it is appropriate to include spheres of influence in the Housing Element.

Council Member Jimenez stated that the Council established a goal of 70% ownership housing in the City. He asked whether the City will ever reach that goal.

Neighborhood and Economic Development Manager Bauman responded that the City of Hayward will strive to reach the goal, but may not. She noted that more likely the 55% will be higher than the 2000 census figures for the County of Alameda.

Mayor Cooper opened the public hearing at 8:49 p.m.

Rev. Lydia Ferrante-Roseberry asked for all the members of the Hayward Coalition for Affordable Housing at the meeting to stand. She stated that this number emphasized the housing needs for this community. She said she was heartened to hear of the next meeting but should include more meetings outside of City Hall. She emphasized the need for a true voice from the community.

Council Member Ward asked about a Council public hearing as well as a Planning Commission meeting on this issue before the report is finalized.

Ernest Jaramillo, a deacon at St. Joachim's Catholic Church, commented that there is a lack of justice for non-homeowners. He asked Council to consider their needs.

Rigo Cabazas, also a deacon at St. Joachim's, discussed inclusionary zoning. He noted that the amount of money allocated is not enough to make the projection a reality.

Rev. Lee Williamson noted the recognition of the diversity. He said the leadership should make sure that the diversity is continued and that all people are able to live here if they so choose. He said he is making plans to move out of Hayward because housing is not affordable.

Jorge Angel expressed the difficulties in finding affordable rental housing.

Patricia Champoux, a Section 8 tenant, would like to see available housing remain in Hayward.

Barbara Wilson described the experiences of young people that led to homelessness. She asked about affordable housing. She noted that the reality is a need for low-income housing.

Renee Martinez said she and her two children live in motels from day-to-day. She has been on an affordable living list for three years. It is difficult to get into housing with only two shelters in Hayward.

Lanna Craig, a member of the Citizens Advisory Commission, and a recent graduate of Leadership Hayward, said her experience on the CAC reflects the input of all its citizens. She asked for everyone to learn about affordable housing.

Martin Guerra commented on rent increases and would like to see rental housing available for purchasing.

Terry Salvador has lived in Hayward for 22 years. She commented that with affordable housing, the majority of those here would be able to stay.

Aline Nunes described her experiences with Whitman Villa Townhomes. The new property management no longer accepts Section 8 housing. She noted that the new rents have increased up to \$1300 a month. All 63 units will have to move. They are having a difficult time finding Section 8 housing in Hayward. She described the number of people who are being displaced.

Ollie Arnold, who works for Eden I & R, described how low-income housing will enhance the community. She commented on the circumstances of many of their clients and the desperate need for low-income housing in the City. People have the right to live where they feel safe and comfortable.

Nancy Schluntz, Executive Director of FESCO, thanked the City of Hayward for all of their help. Transitional housing has served over 1,500 individuals. She asked for the City of Hayward to take a



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leadership role in considering all the people of Hayward. She noted that affordable housing is not the same as low-income housing. She commented on the rent increases creating homelessness.

Sean Heron, Director of the East Bay Advocacy Coalition, thanked the City for the work they have done but described the lack of work in very low-income and low-income areas. He enumerated the number of units the State has required of the City of Hayward. He also noted the difference in salaries.

Joel McCabe referenced a letter sent to Council Member Henson. He noted that the public is eager to participate and encouraged additional public input. The housing element will benefit from more public input.

Ralph Morales stated that he is a founding member of the Affordable Housing Coalition. He said there are many things that could be included in the element. He said they could discuss many points in an outside meeting. The issues are very important and suggested that further meetings on the issues take place. He noted that the Coalition is pro-affordable housing for very low-income people.

Timothy May, Executive Director of the Rental Housing Owners' Association of Southern Alameda County, expressed concern about the rental housing issues. He asked Council to include a comparison of what other cities are doing.

Gloria Walker, member of CORE, discussed concerns of her neighbor, Kathy Watson, who had to leave. She noted that it is an injustice for those who have made Hayward a livable community, not be able to afford to live here.

Mayor Cooper closed the public hearing at 9:34 p.m.

Council Member Dowling asked staff about a letter from the affordable housing group, and whether there has been a response. He was told that there would be a response in the course of the development of the Element.

City Manager Armas said that data would be included in the October 16 joint work session to take the Element to a higher level. He noted that there would be additional opportunity for input.

Council Member Ward discussed the number of families on the Section 8 list. He asked staff to consider working with landlords to retain as many of the Section 8 units as possible.

Council Member Hilson commented that housing is one of the most difficult issues for leadership to address. He pointed out that Hayward is the most affordable city in the area, with the highest percentage of low-income housing as well.

Council Member Rodriguez thanked everyone in attendance. She said that the presence of those in attendance reinforces the importance of the subject. She noted that most seem to be saying they want more open meetings. She said this Council recognizes its obligation to the present residents of the City of Hayward and that there is no magic wand for solutions.

Council Member Henson added that he recognized the difficulty of the issue. It is important to hear from everyone. Housing is an issue important toward the make-up of this community. No one will be left out.

Council Member Jimenez said that being among the top in providing affordable housing, the City of Hayward is doing a great job.

Mayor Cooper commented that many of the people who spoke do not live in Hayward, rather they are advocates for the cause. It is important that Council Members hear from people who live here. She noted that "affordable housing" is defined by HUD. HUD will provide data but not much else. Council has an obligation to begin looking at property owners who allow people to live with no dignity at all. She urged those in attendance to invite Council Members to their forums in order to talk to those in need.

A five-minute recess was reconvened at 10:00 p.m.

10. Adoption of Ordinances Related to Establishing a New Special Design Overlay Zoning District and Rezoning Certain Territory in the Cannery Area

Staff report submitted by City Clerk Reyes, dated September 11, 2001, was filed.

City Clerk Reyes reported that when these ordinances were introduced at the July 24th Council meeting, the vote for their approval was not unanimous and therefore placed under Legislative Business.

The Mayor opened and closed public hearing 10: 02 p.m.

Council Member Hilson stated that he voted against the plan earlier. He clarified that he is very supportive of a Cannery Area plan. It is important to have the plan and not against the concept. This is an opportunity to do a great job. However, he thinks the proposal is somewhat less than what it could be. He said the City of Hayward can do better and should have more flexibility. He suggested Members work to make it a better plan.

It was moved by Council Member Ward, seconded by Council Member Henson, and carried to approve the following:

Ordinance 01-10, " An Ordinance Amending Zoning Maps A6 and B6 of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory Located in the Cannery Area "



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AYES: Council Members Jimenez, Rodriquez, Ward,
Dowling, Henson
MAYOR Cooper
NOES: Council Member Hilson
ABSENT: None
ABSTAINED: None

Ordinance 01-11, " An Ordinance Amending Zoning Ordinance,
Chapter 10, Article 1 of the Hayward Municipal Code to Establish a
New Special Design Overlay Zoning District for the Cannery Area "

AYES: Council Members Jimenez, Hilson, Rodriquez,
Ward, Dowling, Henson
MAYOR Cooper
NOES: Council Member Hilson
ABSENT: None
ABSTAINED: None

COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 10:04 p.m. with thoughts regarding those who lost loved ones in the tragedy.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward

DRAFT